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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 62nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 April 1996, at 3 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 3.30 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1996/13 and Add.1, 17, 69, 103, 111, 112, 118 and Add.1, 141, 147; E/CN.4/1996/NGO/22, 73)

1. The CHAIRMAN said that, after consultations, he was able to make the following declaration, which reflected the consensus in the Commission on the situation of human rights in Liberia:

"The Commission on Human Rights, meeting in Geneva from 18 March to 26 April 1996, views with grave concern the deterioration of the political, economic and social situation in Liberia. It deplores the indiscriminate destruction of life, limb and property which has necessitated, inter alia, the evacuation of foreign nationals, including United Nations personnel and that of humanitarian agencies, from Liberia.

The Commission further considers it unacceptable that, in spite of the various agreements signed by the warring factions committing themselves to a cease-fire and the pursuit of an agreed peace process, there is an increasing resort to arms in the settlement of differences.

In view of the adverse consequences of this situation on the enjoyment of human rights by the people of Liberia, the Commission calls upon all the Liberian parties to respect and implement fully and expeditiously all the agreements and commitments that have already been entered into, in particular the provisions of the Abuja Agreement with regard to the maintenance of the cease-fire, disarmament and demobilization of combatants and national reconciliation.

In this regard, the Commission also wishes to recall all previous Security Council resolutions concerning the situation in Liberia, in particular resolution S/RES/1041 (1996), and appeals to all actors to multiply their efforts with a view to bringing the warring factions to live up to their commitments and to exercise the utmost restraint in the interest of peace.

The Commission calls upon all States of the United Nations system and intergovernmental and non-governmental organizations to provide Liberia with technical and financial assistance to cope with the humanitarian situation and to provide ECOMOG with the necessary logistical and financial support to enable it to carry out its mandate, particularly with respect to disarmament of the Liberian factions.

The Commission decides to remain seized of the matter."

Consideration of draft decision E/CN.4/1996/L.2 (Organization of work)

2. The CHAIRMAN said that, after consultations, he was able to make the following declaration concerning draft decision E/CN.4/1996/L.2:

"In the course of the current session delegations have expressed the view that a more concerted and systematic effort should be made to ensure that decisions of the Commission are taken on the basis of the broadest possible support and, whenever possible, without a vote.

Resolutions and decisions adopted by consensus not only carry more weight, morally and politically, as representing the position of the entire membership, but they also are often more effective in engaging the cooperation of the States and parties concerned in looking for durable solutions of human rights issues.

Preference for consensus does not mean a change of the rules of procedure of the Commission nor the elimination of voting as an acceptable way of taking decisions when there clearly is no possibility of reaching consensus.

Transparency with regard to all initiatives, including draft resolutions and decisions, as well as amendments, is a recognized procedure for facilitating dialogue and understanding between interested delegations and groups and reducing the level of confrontation and politicization of the Commission. At the current session there has been an increased effort towards more openness and dialogue among delegations, resulting in the adoption of resolutions and decisions by consensus.

After consultations with interested delegations, the Chairman wishes to express his satisfaction that there is a general agreement with regard to the need to continue efforts for promoting consensus, dialogue and transparency and with a view to reducing the level of politicization of the Commission. These efforts could be facilitated by holding frequent informal meetings among delegations of different groups between sessions as well as during sessions.

It is my understanding that the co-sponsors of the draft decision contained in document E/CN.4/1996/L.2 would not insist on action on the draft decision this year."

3. Mr. GOONETILLEKE (Sri Lanka), speaking on behalf of the sponsors of the draft decision, thanked the Chairman for his statement and expressed the hope that it would be possible to improve cooperation within the Commission. In view of the President's wish to hold consultations on the question, the sponsors would not insist that the Commission should vote on the draft decision.

4. The CHAIRMAN said that, if there was no objection, he would take it that consideration of draft decision E/CN.4/1996/L.2 was postponed until the fifty-third session of the Commission.

5. It was so decided.

CONSIDERATION OF DRAFT RESOLUTIONS CONCERNING AGENDA ITEMS 10, 9 AND 20 (continued)

Consideration of draft resolutions concerning agenda item 10 (E/CN.4/1996/L.42/Rev.1, L.92, L.86, L.75)

Draft resolution E/CN.4/1996/L.42/Rev.1 (Situation of human rights in the Islamic Republic of Iran)

6. Mr. TORELLA di ROMAGNANO (Italy) introduced the draft resolution on behalf of its sponsors and said that it had been the subject of intense

negotiations with the Iranian delegation. A very constructive spirit had prevailed during those negotiations, but, unfortunately, it had not been possible to reach agreement. In the draft resolution, the Commission expressed its concern regarding the situation of human rights in Iran, particularly with regard to the administration of justice, the use of the death penalty, the practice of torture, discriminatory treatment of religious minorities, violations of the right to peaceful assembly, restrictions on the freedom of the press and discrimination against women.

7. The Special Representative had specified a number of areas which he hoped to study in greater depth during his future visits to Iran. The delegation of Italy urged the Government of the Islamic Republic of Iran to continue to cooperate with the Special Representative and the thematic rapporteurs.

8. Mr. MÖLLER (Secretary of the Commission) announced that Iceland, Japan, Australia, Slovakia, the Czech Republic, Canada and Switzerland had become sponsors of the draft resolution.

9. Mr. NASSERI (Islamic Republic of Iran) said that the failure of the negotiations conducted during the past few days between his delegation and those of the European Union countries in the hope of reaching agreement on the way in which the Commission should respond to the fact that the Islamic Republic of Iran had fully cooperated with the Commission was probably due as much to problems related to the mechanism and modalities of negotiation as to differences in points of view. The current practice of the European Union, which consisted of preparing draft resolutions and organizing consultations exclusively among the members of the Union before presenting them to the parties directly concerned, made it difficult to achieve consensus. Negotiations should begin at a much earlier stage, at the beginning of the preparation of the draft resolutions. Considerable progress had been made in a number of areas, but it had been impossible to agree on certain specific points, primarily because of the intransigence of a small number of Western States which were motivated by political considerations.

10. There was a considerable gap between the draft resolution and the report of the Special Representative, with regard to both the content and the approach taken. Whereas the Special Representative and the thematic rapporteurs who had visited Iran had stressed the need to continue dialogue and cooperation with the Iranian authorities, the draft resolution seemed designed to put an end to any cooperation in that area. The Special Representative's mandate dated from over 10 years previously, but, although the situation had changed considerably, the resolutions adopted continued to be extremely negative and based on the past situation.

11. The Iranian authorities had cooperated fully with the Special Representative and had invited the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression to visit Iran. The Government was prepared to continue cooperating with them and to consider their observations, conclusions and recommendations in a constructive manner. It hoped in that way to show that the special mechanisms of the Commission could prove useful and could contribute to the promotion and protection of human rights, provided that they were appropriately used. In view of that attitude, the Commission should take up a position propitious to dialogue and cooperation.

12. During the debates, some speakers had asked why certain countries were opposed to the special mechanisms and the practice of appointing special representatives on the situation of human rights in a given country. The problem lay in the fact that, when a country contributed to the proper functioning of that mechanism, the Commission did not seem to recognize that fact. That failure was doubtless due to the predominance of the countries of the North, which led to intransigence and confrontation. His delegation hoped that many members of the Commission would not vote for a draft resolution which hindered dialogue and cooperation.

13. Mrs. FERRARO (United States of America) said that her delegation remained extremely concerned by the flagrant human rights violations in Iran and, in particular, by the persecution of the Baha'i community. Only recently, the Iranian Supreme Court had upheld the death sentence against two Baha'is who had been arrested seven years previously without being charged, and had been condemned to death by the Islamic Revolutionary Tribunal of Karaj because of their activities in the Baha'i community. Her delegation urged the Iranian Government to commute their sentences and free them and to allow the Baha'i community to practise its religion.

14. Mr. AKRAM (Pakistan) noted that the Commission considered the situation of human rights in the Islamic Republic of Iran every year, notwithstanding the fact that the Iranian Government had cooperated with the mechanism established by the Commission and that the report of the Special Representative attested to improvements in the human rights sector in Iran. The draft resolution was not an accurate reflection of the observations made by the Special Representative. His delegation welcomed the consultations that had been held between the Iranian delegation and the delegations of the European Union countries and regretted that it had not been possible to reach agreement. It hoped that the Iranian authorities would continue to cooperate with the mechanisms of the Commission even if the draft resolution was adopted. Nevertheless, it was opposed to the draft resolution and requested a roll-call vote.

15. Mr. BENITO (Financial Management Resources Service), explaining the financial implications of the draft resolution in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, informed the Commission that the proposed activities, whose cost was estimated at $120,000, would be financed from the allotments made in section 21 of the programme budget for the biennium 1996-1997.

16. Mr. SINGH (India) said it was unfortunate that the sponsors of the draft resolution had not been able to reach a satisfactory compromise which would have allowed it to be adopted by consensus. His delegation would vote against it.

17. At the request of the representative of Pakistan, a vote was taken by roll-call on draft resolution E/CN.4/1996/L.42/Rev.1.

18. Egypt, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Colombia, Denmark, Dominican Republic, Ecuador, France, Germany, Hungary, Italy, Japan, Mexico,

Netherlands, Nicaragua, Peru, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, China, Cuba, India, Indonesia, Malaysia, Pakistan.

Abstaining: Angola, Belarus, Benin, Bhutan, Cameroon, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Guinea, Malawi, Mali, Mauritania, Nepal, Philippines, Republic of Korea, Sri Lanka, Uganda, Ukraine, Zimbabwe.

19. Draft resolution E/CN.4/1996/L.42/Rev.1 was adopted by 24 votes to 7, with 20 abstentions.

20. Mr. BEBARS (Egypt), speaking in explanation of his delegation's vote on draft resolution E/CN.4/1996/L.92, entitled "Situation of human rights in Iraq", said that the Egyptian Government reaffirmed its commitment to respect for human rights in all countries and called upon the Iraqi Government to take all necessary steps to ensure observance of the human rights and fundamental freedoms of its citizens and to free all the Kuwaitis still held prisoner in Iraq. However, his Government deplored the duplicity and bias which seemed to govern the Commission's deliberations. In the case in point, there had been no consultations with the Iraqi Government regarding the dispatch of a team of human rights monitors to assist in providing independent verification of the information gathered on the situation of human rights in Iraq (para. 8), which was contrary to the operational procedures of the Commission. His delegation had therefore abstained from voting.

21. Mr. JOUBLANC (Mexico), speaking in reference to draft resolution E/CN.4/1996/L.86, entitled "Situation of human rights in Cuba", said that any balanced, comprehensive action for the promotion and protection of human rights should be guided by the principles of objectivity, non-selectivity and universality and expressed regret that those principles had not been respected during consideration of the situation of human rights in Cuba. His delegation had therefore abstained from voting. If the draft resolution had been voted on paragraph by paragraph, his delegation would have voted against the ninth and tenth preambular paragraphs and would have abstained from voting on the text as a whole.

22. With regard to draft resolution E/CN.4/1996/L.75, entitled "The situation of human rights in the Republic of Bosnia and Herzegovina, the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)", his delegation had reservations with regard to the seventeenth preambular paragraph and operative paragraphs 13 and 42. With regard to the last of those paragraphs, he stressed the exceptional nature of the situation under consideration and said he found it unacceptable that, as a general practice, development assistance programmes should be subjected to conditions.

Consideration of draft resolutions concerning agenda item 20 (continued) (E/CN.4/1996/L.43/Rev.1)

Draft resolution E/CN.4/1996/L.43/Rev.1 (Rights of the child)

23. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union and the 41 sponsors, said that the draft resolution was the result of long negotiations. He thanked the delegations of the South American countries and, in particular, the Cuban delegation, which, in order to achieve consensus on the question, had withdrawn a draft resolution that it had already circulated.

24. The draft resolution, of which the final version was an accurate reflection of the positions of the various sponsors, reminded States parties of their responsibility to implement the Convention on the Rights of the Child and other relevant international instruments. It was divided into seven sections which dealt, respectively, with the Convention and its implementation; the protection of children affected by armed conflicts; international measures for the prevention and eradication of the sale of children, child prostitution and child pornography; elimination of exploitation of child labour; the plight of street children; the girl child; and refugee and internally displaced children.

25. He pointed out that there had been a change in paragraph 29, where the words ", within existing resources," had been added after "participation".

26. Mr. MÖLLER (Secretary of the Commission) announced that the following countries had become sponsors of the draft resolution: Uruguay, Côte d'Ivoire, Australia, Uganda, Malawi, Mexico, Slovakia, the United States of America, Canada, the Philippines, Norway, Madagascar, Pakistan, the Russian Federation, Benin, Nicaragua, Bangladesh, Cyprus and Brazil.

27. Mr. SINGH (India) thanked the sponsors for having accepted the changes proposed by his delegation, which would support the draft resolution in order to facilitate its adoption by consensus. However, he still felt that there was an imbalance among some elements of the resolution. There was a growing tendency to confuse the symptoms of poverty with deliberate human rights violations; the sections of the draft resolution devoted to child labour and street children suffered from that failing. When the question was examined at the next session, his delegation expected to be able to help to ensure that all issues related to the rights of the child were given balanced treatment.

28. Ms. PALALA (Philippines) welcomed the agreement of the sponsors to include in the text a concern shared by her own delegation and that of India: the problem of child sex tourism. The Philippines had decided to become a sponsor of the draft resolution, but it would have preferred the issue to be explicitly mentioned.

29. Mr. BENITO (Financial Management Resources Service), explaining the administrative and financial implications of the draft resolution, said that the activities of the two working groups would be covered by the Centre for Human Rights and that those of the Special Rapporteur referred to in

paragraph 29, of which the estimated cost was $8,000, would be included in the programme budget for the biennium 1996-1997. No additional funding should therefore be needed if the draft resolution was adopted.

30. Draft resolution E/CN.4/1996/L.43/Rev.1, as amended, was adopted without a vote.

31. The CHAIRMAN announced that draft resolution E/CN.4/1996/L.48 had been withdrawn.

32. He said that the Commission had concluded its consideration of the draft resolutions and decisions concerning agenda item 20.

Consideration of draft resolutions concerning agenda item 9 (continued) (E/CN.4/1996/L.50)

Draft resolution E/CN.4/1996/L.50 (Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights)

33. The CHAIRMAN referring to rule 55 of the rules of procedure of the functional commissions of the Economic and Social Council, suggested that, at the request of the Polish delegation, the Commission should reconsider draft resolution E/CN.4/1996/L.50.

34. It was so decided.

35. Mr. DEMBINSKI (Poland), speaking on behalf of the sponsors of the draft resolution, proposed that the fourth preambular paragraph should be modified to read:

> "Concerned that international human rights standards are not fully respected worldwide and that human rights continue to be violated in all parts of the world and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity of respecting human rights and fundamental freedoms and of strengthening United Nations efforts in this regard,".

36. Mr. SINGH (India) said that his country wished to become a sponsor of the draft resolution.

37. Draft resolution E/CN.4/1996/L.50, as amended, was adopted without a vote.

The meeting rose at 4.30 p.m.